



Senate

General Assembly

File No. 318

January Session, 2003

Substitute Senate Bill No. 900

Senate, April 14, 2003

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS AND TECHNICAL REVISIONS TO CERTAIN STATUTES PERTAINING TO THE JUDICIAL BRANCH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-13 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Commissioner of Public Works may make regulations for
4 the maintenance of order on and the use of parking areas on any
5 property owned by the state or under the supervision of said
6 commissioner, except as provided in sections 2-71h, 10a-79, 10a-92 and
7 10a-139 and except for properties under the supervision, care and
8 control of the Chief Court Administrator. Any person violating any
9 such regulation shall be fined not more than seventy-five dollars and
10 the vehicle in violation of such regulation may be towed. The
11 enforcement of such regulations shall be by special policemen
12 appointed under section 29-18 and by Department of Public Works

13 buildings and grounds patrol officers, except that only such special
14 policemen may tow, or cause the towing of, such vehicles.

15 (b) The Chief Court Administrator may establish policies and
16 procedures for the maintenance of order and the use of parking areas
17 on any property under the supervision, care and control of the Chief
18 Court Administrator. Such policies and procedures may provide that
19 any vehicle parked on such property in violation of such policies and
20 procedures shall be towed.

21 [(b)] (c) Each state agency shall develop a program to encourage its
22 employees to use mass transportation. Such program shall address the
23 feasibility of restricting the amount of free parking by at least ten per
24 cent for those state employees who work in urban areas and for
25 providing such employees with subsidies to ride mass transportation.
26 Each state agency shall submit its program to the Department of Public
27 Works. [no later than January 1, 1992.] For the purposes of this
28 [section] subsection, "state agency" means each state department, office
29 or other agency of the state; and "urban area" means any town or city
30 having a population of seventy-five thousand or more or any town or
31 city in which one hundred or more state employees are employed at
32 the same site. The Secretary of the Office of Policy and Management, in
33 consultation with the Commissioner of Public Works, shall adopt
34 regulations, in accordance with the provisions of chapter 54, after
35 receipt of and pursuant to each state agency's plan to determine the
36 amount and process by which a state employee may obtain a subsidy.

37 Sec. 2. Subsection (a) of section 6-32d of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective*
39 *October 1, 2003*):

40 (a) Except as otherwise agreed between the [advisory board] judicial
41 branch and the Department of Correction or other appropriate agency,
42 [as of April 12, 2000,] the responsibility for transportation and custody
43 of prisoners shall be assumed as follows:

44 (1) The [Judicial Department] judicial branch shall be responsible for

45 the transportation of male prisoners between courthouses and: (A)
46 Community correction centers, until sentencing; (B) other places of
47 confinement after arraignment and until sentencing; and (C) the place
48 of initial confinement, after sentencing. In addition, the [Judicial
49 Department] judicial branch shall be responsible for the transportation
50 of adult female prisoners between courthouses and community
51 correction centers, not including the correctional institution at Niantic.
52 If such transportation is in other than state vehicles, the owner of the
53 vehicle used shall be reimbursed by the state at the rate then
54 established for state employees within the Office of Policy and
55 Management.

56 (2) The Department of Correction shall be responsible for the
57 transportation of adult female prisoners between places of
58 confinement and either courthouses or community correction centers,
59 at the discretion of the Commissioner of Correction. In the
60 transportation of prisoners between courthouses and community
61 correctional centers, there shall be complete separation of male and
62 female prisoners.

63 (3) The [Judicial Department] judicial branch shall be responsible for
64 the custody of prisoners at courthouses, except that the local police
65 operating any lockup which is designated by the Chief Court
66 Administrator as a courthouse lockup shall be responsible for the
67 custody of prisoners within that lockup. In addition, if such designated
68 lockup is not in the same building as the courthouse serviced by it, the
69 local police operating such designated lockup shall be responsible for
70 escorting prisoners from the lockup to the courthouse. The town in
71 which such a designated lockup is located shall be reimbursed
72 pursuant to section 7-135a.

73 (4) In Hartford County, the Lafayette Street courthouse shall be
74 used as housing for persons arrested by the police department of the
75 city of Hartford and held for presentment at the next session of the
76 court pursuant to the following terms and conditions: (A) No arrestees
77 shall be admitted or released directly to or from the lockup, and no

78 social visits shall be permitted at the lockup; (B) all processing and
79 booking shall be accomplished by the police department of the city of
80 Hartford at its booking facility; (C) after arrival at the lockup and prior
81 to arraignment, the release of any arrestee, with or without bond, shall
82 be accomplished by the police department of the city of Hartford from
83 its booking facility; and (D) the [Judicial Department] judicial branch
84 shall be responsible for the operation of the lockup at the Lafayette
85 Street courthouse and the transportation of arrestees prior to
86 arraignment from the [Morgan Street facility or other] booking facility
87 of the police department of the city of Hartford.

88 Sec. 3. Subsection (b) of section 15-133c of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective*
90 *October 1, 2003*):

91 [(b) A certified copy of a conviction for a violation of section 15-133
92 or 15-134 shall be sent within thirty days of conviction to the
93 Commissioner of Environmental Protection without charge by the
94 clerk of the court wherein such conviction has been had.]

95 (b) The clerk of the court in which a conviction for a violation of
96 section 15-133 or 15-134 is rendered shall cause notice of such
97 conviction to be given to the Commissioner of Environmental
98 Protection not later than thirty days after such conviction.

99 Sec. 4. Subsection (e) of section 46b-15 of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective*
101 *October 1, 2003*):

102 (e) The applicant shall cause notice of the hearing pursuant to
103 subsection (b) of this section and a copy of the application and the
104 applicant's affidavit and of any ex parte order issued pursuant to
105 subsection (b) of this section to be served on the respondent not less
106 than five days before the hearing. The cost of such service shall be paid
107 for by the judicial branch. Upon the granting of an ex parte order, the
108 clerk of the court shall provide two certified copies of the order to the
109 applicant. Upon the granting of an order after notice and hearing, the

110 clerk of the court shall provide two certified copies of the order to the
111 applicant and a copy to the respondent. Every order of the court made
112 in accordance with this section after notice and hearing shall contain
113 the following language: "This court had jurisdiction over the parties
114 and the subject matter when it issued this protection order.
115 Respondent was afforded both notice and opportunity to be heard in
116 the hearing that gave rise to this order. Pursuant to the Violence
117 Against Women Act of 1994, 18 USC 2265, this order is valid and
118 enforceable in all fifty states, any territory or possession of the United
119 States, the District of Columbia, the Commonwealth of Puerto Rico
120 and tribal lands." Immediately after making service on the respondent,
121 the [state marshal] proper officer shall provide a true and attested copy
122 of any ex parte order, including the applicant's affidavit and a cover
123 sheet stating the date and time the respondent was served, to the law
124 enforcement agency for the town in which the applicant resides. If the
125 respondent does not reside in such town, the [state marshal] proper
126 officer shall immediately transmit by facsimile a true and attested copy
127 of the order, including the applicant's affidavit, to the law enforcement
128 agency for the town in which the respondent resides. The clerk of the
129 court shall send, by facsimile or other means, a copy of any ex parte
130 order and of any order after notice and hearing, or the information
131 contained in any such order, to the law enforcement agency for the
132 town in which the applicant resides and, if the respondent resides in a
133 town different than the town in which the applicant resides, to the law
134 enforcement agency for the town in which the respondent resides,
135 within forty-eight hours of the issuance of such order. If the applicant
136 is employed in a town different than the town in which the applicant
137 resides, the clerk of the court shall send, by facsimile or other means, a
138 copy of any such order, or the information contained in any such
139 order, to the law enforcement agency for the town in which the
140 applicant is employed within forty-eight hours of the issuance of such
141 order. If the applicant is employed in a town different than the town in
142 which the applicant resides, or in which the respondent resides, the
143 [state marshal] proper officer shall transmit by facsimile a true and
144 attested copy of any such order, including the applicant's affidavit, to

145 the law enforcement agency for the town in which the applicant is
146 employed.

147 Sec. 5. Subsection (e) of section 46b-38c of the general statutes is
148 repealed and the following is substituted in lieu thereof (*Effective*
149 *October 1, 2003*):

150 (e) A protective order issued under this section may include
151 provisions necessary to protect the victim from threats, harassment,
152 injury or intimidation by the defendant, including, but not limited to,
153 an order enjoining the defendant from (1) imposing any restraint upon
154 the person or liberty of the victim, (2) threatening, harassing,
155 assaulting, molesting or sexually assaulting the victim, or (3) entering
156 the family dwelling or the dwelling of the victim. Such order shall be
157 made a condition of the bail or release of the defendant and shall
158 contain the following language: "In accordance with section 53a-223,
159 any violation of this order constitutes criminal violation of a protective
160 order which is punishable by a term of imprisonment of not more than
161 five years, a fine of not more than five thousand dollars, or both.
162 Additionally, in accordance with section 53a-107, entering or
163 remaining in a building or any other premises in violation of this order
164 constitutes criminal trespass in the first degree [. These are criminal
165 offenses each] which is punishable by a term of imprisonment of not
166 more than one year, a fine of not more than two thousand dollars, or
167 both. Violation of this order also violates a condition of your bail or
168 release, and may result in raising the amount of bail or revoking
169 release." Every order of the court made in accordance with this section
170 after notice and hearing shall also contain the following language:
171 "This court had jurisdiction over the parties and the subject matter
172 when it issued this protection order. Respondent was afforded both
173 notice and opportunity to be heard in the hearing that gave rise to this
174 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
175 2265, this order is valid and enforceable in all fifty states, any territory
176 or possession of the United States, the District of Columbia, the
177 Commonwealth of Puerto Rico and tribal lands." The information
178 contained in and concerning the issuance of any protective order

179 issued under this section shall be entered in the registry of protective
180 orders pursuant to section 51-5c.

181 Sec. 6. Section 46b-38h of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective October 1, 2003*):

183 If any person is convicted of a violation of section 53a-59, 53a-59a,
184 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-
185 72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-223, [or] 53a-223a or
186 53a-223b, against a family or household member, as defined in section
187 46b-38a, or a person in a dating relationship, the court shall include a
188 designation that such conviction involved domestic violence on the
189 court record for the purposes of criminal history record information, as
190 defined in subsection (a) of section 54-142g.

191 Sec. 7. Section 46b-122 of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective October 1, 2003*):

193 All matters which are juvenile matters, as [defined] provided in
194 section 46b-121, shall be kept separate and apart from all other
195 business of the Superior Court as far as is practicable, except matters
196 transferred under the provisions of section 46b-127, which matters
197 shall be transferred to the regular criminal docket of [said] the Superior
198 Court. Any judge hearing a juvenile matter [shall] may, during such
199 hearing, exclude from the room in which such hearing is held any
200 person whose presence is, in the court's opinion, not necessary, except
201 that in delinquency proceedings any victim of the delinquent act, the
202 parents or guardian of such victim and any victim advocate appointed
203 pursuant to section 54-221 shall not be excluded unless the judge
204 specifically orders otherwise.

205 Sec. 8. Section 46b-124 of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective October 1, 2003*):

207 (a) For the purposes of this section, "records of cases of juvenile
208 matters" includes, but is not limited to, court records, records
209 regarding juveniles maintained by the Court Support Services

210 Division, records regarding juveniles maintained by an organization or
211 agency that has contracted with the judicial branch to provide services
212 to juveniles, records of law enforcement agencies including
213 fingerprints, photographs and physical descriptions, and medical,
214 psychological, psychiatric and social welfare studies and reports by
215 probation officers, public or private institutions, social agencies and
216 clinics.

217 [(a)] (b) All records of cases of juvenile matters, as [defined]
218 provided in section 46b-121, except delinquency proceedings, or any
219 part thereof, and all records of appeals from probate brought to the
220 superior court for juvenile matters pursuant to subsection (b) of section
221 45a-186, [including studies and reports by probation officers, social
222 agencies and clinics,] shall be confidential and for the use of the court
223 in juvenile matters, and open to inspection or disclosure to any third
224 party, including bona fide researchers commissioned by a state agency,
225 only upon order of the Superior Court, except that (1) the records
226 concerning any matter transferred from a court of probate pursuant to
227 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
228 probate to the superior court for juvenile matters pursuant to
229 subsection (b) of section 45a-186 shall be available to the court of
230 probate from which such matter was transferred or from which such
231 appeal was taken, (2) such records shall be available to (A) the attorney
232 representing the child or youth, including the Division of Public
233 Defender Services, in any proceeding in which such records are
234 relevant, (B) the parents or guardian of the child or youth until such
235 time as the child or youth reaches the age of majority or becomes
236 emancipated, (C) an adult adopted person in accordance with the
237 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
238 inclusive, (D) employees of the Division of Criminal Justice who in the
239 performance of their duties require access to such records, (E)
240 employees of the judicial branch who in the performance of their
241 duties require access to such records, (F) another court under the
242 provisions of subsection (d) of section 46b-115j, (G) the subject of the
243 record, upon submission of satisfactory proof of the subject's identity,
244 pursuant to guidelines prescribed by the Office of the Chief Court

245 Administrator, [and] provided the subject has reached the age of
246 majority or has been emancipated, and (H) the Department of Children
247 and Families. Any [record] records of cases of juvenile matters, or any
248 part thereof, [forwarded by said court or any of its employees]
249 provided to any persons, governmental and private agencies, and
250 institutions [,] pursuant to this section shall not be disclosed, directly
251 or indirectly, to any third party not specified in subsection [(c)] (d) of
252 this section, [save upon order of said court or] except as provided by
253 court order or in the report required under section 54-76d or 54-91a.

254 [(b)] (c) All records of cases of juvenile matters involving
255 delinquency proceedings, or any part thereof, [including court records,
256 records of law enforcement agencies including fingerprints,
257 photographs and physical descriptions, and medical, psychological,
258 psychiatric and social welfare studies and reports by probation
259 officers, public or private institutions, social agencies and clinics,] shall
260 be confidential and for the use of the court in juvenile matters and
261 shall not be disclosed except as provided in this section.

262 [(c)] (d) Records of cases of juvenile matters involving delinquency
263 proceedings shall be available to (1) [Judicial Department] judicial
264 branch employees who, in the performance of their duties, require
265 access to such records, and (2) employees and authorized agents of
266 state or federal agencies involved in (A) the delinquency proceedings,
267 (B) the provision of services directly to the child, or (C) the design and
268 delivery of treatment programs pursuant to section 46b-121j. Such
269 employees and authorized agents include, but are not limited to, law
270 enforcement officials, state and federal prosecutorial officials, school
271 officials in accordance with section 10-233h, court officials including
272 officials of both the regular criminal docket and the docket for juvenile
273 matters, officials of the Division of Criminal Justice, the Division of
274 Public Defender Services, the Department of Children and Families,
275 the Court Support Services Division, the Board of Parole and agencies
276 under contract with the [Judicial Department] judicial branch, and an
277 advocate appointed pursuant to section 54-221 for a victim of a crime
278 committed by the child. Such records shall also be available to (i) the

279 attorney representing the child, including the Division of Public
280 Defender Services, in any proceeding in which such records are
281 relevant, (ii) the parents or guardian of the child, until such time as the
282 subject of the record reaches the age of majority, (iii) the subject of the
283 record, upon submission of satisfactory proof of the subject's identity,
284 pursuant to guidelines prescribed by the Office of the Chief Court
285 Administrator, [and] provided the subject has reached the age of
286 majority, (iv) law enforcement officials and prosecutorial officials
287 conducting legitimate criminal investigations, and (v) a state or federal
288 agency providing services related to the collection of moneys due or
289 funding to support the service needs of eligible juveniles, provided
290 such disclosure shall be limited to that information necessary for the
291 collection of and application for such moneys. [Such records] Records
292 disclosed pursuant to this subsection shall not be further disclosed,
293 except that information contained in such records may be disclosed in
294 connection with bail or sentencing reports in open court during
295 criminal proceedings involving the subject of such information.

296 [(d) The record of the case of a juvenile matter] (e) Records of cases
297 of juvenile matters involving delinquency proceedings, or any part
298 thereof, may be disclosed upon order of the court to any person who
299 has a legitimate interest in the information and is identified in such
300 order. Records disclosed pursuant to this subsection shall not be
301 further disclosed.

302 [(e) The record of the case of a juvenile matter] (f) Records of cases
303 of juvenile matters involving delinquency proceedings, or any part
304 thereof, shall be available to the victim of the crime committed by such
305 child to the same extent as the record of the case of a defendant in a
306 criminal proceeding in the regular criminal docket of the Superior
307 Court is available to a victim of the crime committed by such
308 defendant. The court shall designate an official from whom such
309 victim may request such information. Records disclosed pursuant to
310 this subsection shall not be further disclosed.

311 [(f)] (g) Information concerning a child who has escaped from a

312 detention center or from a facility to which he has been committed by
313 the court or for whom an arrest warrant has been issued with respect
314 to the commission of a felony may be disclosed by law enforcement
315 officials.

316 [(g)] (h) Nothing in this section shall be construed to prohibit any
317 person employed by the [Judicial Department] judicial branch from
318 disclosing any [such] records, information or files in his possession to
319 any person employed by the Division of Criminal Justice as a
320 prosecutorial official, inspector or investigator who, in the
321 performance of his duties, requests such records, information or files,
322 [nor shall] or to prohibit any such employee of said division [be
323 prohibited] from disclosing any records, information or files in his
324 possession to any such employee of the [Judicial Department] judicial
325 branch who, in the performance of his duties, requests such records,
326 information or files.

327 [(h)] (i) A state's attorney shall disclose to the defendant or his
328 counsel in a criminal prosecution, without the necessity of a court
329 order, exculpatory information and material contained in any record
330 disclosed to such state's attorney pursuant to this section and may
331 disclose, without a court order, information and material contained in
332 any such record which could be the subject of a disclosure order.

333 Sec. 9. Subsection (b) of section 49-15 of the general statutes is
334 repealed and the following is substituted in lieu thereof (*Effective*
335 *October 1, 2003*):

336 (b) Upon the filing of a bankruptcy petition by a mortgagor under
337 Chapter 13 of Title 11 of the United States Code, any judgment against
338 the mortgagor foreclosing the title to real estate by strict foreclosure
339 shall be opened automatically without action by any party or the court,
340 provided, the provisions of such judgment, other than the
341 establishment of law days, shall not be set aside under this subsection;
342 but no such judgment shall be opened after the title has become
343 absolute in any encumbrancer or the mortgagee, or any person
344 claiming under such encumbrancer or mortgagee. The mortgagor shall

345 file a copy of the bankruptcy petition, or an affidavit setting forth the
346 date the bankruptcy petition was filed, with the clerk of the court in
347 which the foreclosure matter is pending. Upon the determination of
348 the automatic stay authorized pursuant to 11 USC 362, the mortgagor
349 shall file with such clerk an affidavit setting forth the date the stay was
350 terminated.

351 Sec. 10. Subsection (a) of section 51-1a of the general statutes is
352 repealed and the following is substituted in lieu thereof (*Effective*
353 *October 1, 2003*):

354 (a) The Judicial Department of the state shall consist of the Supreme
355 Court, the Appellate Court, the Superior Court, [the courts of probate,]
356 the Office of the Chief Court Administrator [, the Commission on
357 Official Legal Publications] and their employees and divisions, the
358 courts of probate, and, as provided in chapter 887, the Public Defender
359 Services Commission. For the purposes of the general statutes, "judicial
360 branch" means the Judicial Department.

361 Sec. 11. Section 51-36 of the general statutes is repealed and the
362 following is substituted in lieu thereof (*Effective October 1, 2003*):

363 (a) The Chief Court Administrator may cause any and all court
364 records, papers or documents other than records concerning title to
365 land, required to be retained indefinitely or for a period of time
366 defined by (1) rules of court, (2) directives promulgated by the Office
367 of the Chief Court Administrator, or (3) statute, to be microfilmed. The
368 device used to reproduce such records, papers or documents on [film]
369 microfilm shall be one which accurately reproduces the original
370 thereof in detail. Such microfilm shall be considered and treated the
371 same as the original records, papers or documents, provided a
372 certificate of authenticity appears on each roll of microfilm. A
373 transcript, exemplification or certified copy thereof shall for all
374 purposes be deemed to be a transcript, exemplification or certified
375 copy of the original. The original court records, papers or documents
376 so reproduced may be disposed of in such manner as approved by the
377 Office of the Chief Court Administrator. For the purposes of this

378 subsection, [microfilm shall include] "microfilm" includes microcard,
379 microfiche, microphotograph, electronic medium or any other process
380 which actually reproduces or forms a durable medium for so
381 reproducing the original.

382 (b) Except as provided in subsection (c) of this section, any judge of
383 the Superior Court may order that official records of evidence or
384 judicial proceedings in said court, the Court of Common Pleas or the
385 Circuit Court, including official notes and tapes of evidence or judicial
386 proceedings concerning title to land, taken more than seven years prior
387 to the date of such order by any stenographer or official court reporter,
388 be destroyed by the person having the custody thereof.

389 (c) (1) In cases in which a person has been convicted after trial of a
390 felony, other than a capital felony, the official records of evidence or
391 judicial proceedings in the court may be destroyed upon the expiration
392 of twenty years from the date of disposition of such case or upon the
393 expiration of the sentence imposed upon such person, whichever is
394 later.

395 (2) In cases in which a person has been convicted after trial of a
396 capital felony, the official records of evidence or judicial proceedings in
397 the court may be destroyed upon the expiration of [twenty-five]
398 seventy-five years from the [death] conviction of such person.

399 (d) All court records other than records concerning title to land may
400 be destroyed in accordance with rules of court. Records concerning
401 title to land shall not be subject to any such destruction, except that
402 official notes and tapes of evidence or judicial proceedings concerning
403 title to land may be destroyed. All court records may be transferred to
404 any agency of this state or to any federal agency in accordance with
405 rules of court or directives promulgated by the Office of the Chief
406 Court Administrator, provided records in any action concerning title
407 to land terminated by a final judgment affecting any right, title or
408 interest in real property shall be retained for not less than forty years in
409 the office of the clerk of the court location in which the judgment was
410 rendered. Any other [Judicial Department] judicial branch books,

411 records, papers or documents may be destroyed or transferred to any
412 agency of this state or to any federal agency in accordance with
413 directives promulgated by the Office of the Chief Court Administrator.

414 (e) For the purposes of this section, "official records of evidence or
415 judicial proceedings" includes (1) the court file, [from which no
416 documents have been removed,] that shall contain the original
417 documents or copies of any original documents that have been
418 removed, (2) all exhibits from the parties, whether marked for
419 identification or admitted as full exhibits, and (3) the transcripts of all
420 proceedings held in the matter, including voir dire.

421 Sec. 12. Subsection (b) of section 51-164n of the general statutes is
422 repealed and the following is substituted in lieu thereof (*Effective*
423 *October 1, 2003*):

424 (b) Notwithstanding any provision of the general statutes to the
425 contrary, any person who is alleged to have committed (1) a violation
426 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-
427 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,
428 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 [.]
429 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6)
430 of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
431 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
432 140, 13a-143b, 13a-247 [.] or 13a-253, subsection (f) of section 13b-42,
433 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
434 13b-410b [.] or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
435 section 13b-414, subsection (d) of section 14-12, section 14-20a [.] or 14-
436 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
437 section 14-43, 14-49, 14-50a [.] or 14-58, subsection (b) of section 14-66,
438 section 14-66a, 14-66b [.] or 14-67a, subsection (f) of section 14-80h,
439 section 14-97a, [section] 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-
440 152, 14-153 [.] or 14-163b, a first violation as specified in subsection (f)
441 of section 14-164i, section 14-219 as specified in subsection (e) of said
442 section, section 14-240, 14-249 [.] or 14-250, subsection (a), (b) or (c) of
443 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,

444 14-278 [.] or 14-279, subsection (e) of section 14-283, section 14-291, 14-
445 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 [.] or 14-332a,
446 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection
447 (a) of section 15-115, section 16-256, 16-256e, 16a-15 [.] or 16a-22,
448 subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149,
449 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-451
450 [.] or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
451 19a-39 [.] or 19a-87, subsection (b) of section 19a-87a, section 19a-91,
452 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,
453 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,
454 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 [.] or 20-
455 324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,
456 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21,
457 21a-25, 21a-26 [.] or 21a-30, subsection (a) of section 21a-37, section 21a-
458 46, 21a-61, 21a-63 [.] or 21a-77, subsection (b) of section 21a-79, section
459 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-
460 29, 22-34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
461 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
462 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 [.] or 22-342,
463 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-
464 413, 22-414, 22-415, 22a-66a [.] or 22a-246, subsection (a) of section 22a-
465 250, subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37,
466 23-38, 23-46 [.] or 23-61b, subsection (a) or (b) of section 23-65, section
467 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
468 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138,
469 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-
470 109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-
471 341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
472 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
473 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a [.] or 31-54, subsection
474 (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-
475 89b [.] or 31-134, subsection [(g)] (i) of section 31-273, section 31-288,
476 36a-787, 42-230, 45a-450, 45a-634 [.] or 45a-658, subdivision (13) or (14)
477 of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47,
478 49-8a, 49-16 [.] or 53-133, subsection (a) or (b) of section 53-211, or

479 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
480 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the
481 provisions of chapter 268, or (3) a violation of any regulation adopted
482 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
483 shall follow the procedures set forth in this section.

484 Sec. 13. Subsection (a) of section 51-247 of the general statutes is
485 repealed and the following is substituted in lieu thereof (*Effective*
486 *October 1, 2003*):

487 (a) Each full-time employed juror shall be paid regular wages by
488 [his] the juror's employer for the first five days, or part thereof, of [his
489 juror] jury service. Such payment shall be subject to the requirements
490 of section 31-71b and any employer who violates this section shall be
491 subject to the provisions of sections 31-71g and 31-72. A person shall
492 not be considered a full-time employed juror on any day of [juror] jury
493 service in which such person (1) would not have accrued regular
494 wages to be paid by the employer if such person were not serving as a
495 juror on that day, or (2) would not have worked more than one-half of
496 a shift which extends into another day if such person were not serving
497 as a juror on that day. Each juror not considered a full-time employed
498 juror on a particular day of [juror] jury service pursuant to subdivision
499 (1) or (2) [above] of this subsection shall be reimbursed by the state for
500 necessary out-of-pocket expenses incurred during that day of [juror]
501 jury service, provided such day of service is within the first five days,
502 or part thereof, of [juror] jury service. Each part-time employed juror
503 and unemployed juror shall be reimbursed by the state for necessary
504 out-of-pocket expenses incurred during the first five days, or part
505 thereof, of [juror] jury service. Necessary out-of-pocket expenses shall
506 include, but not be limited to, twenty cents for each mile of travel from
507 [his] the juror's place of residence to the place of holding the court and
508 return, and shall exclude food. The mileage shall be determined by the
509 shortest direct route either by highway or by any regular line of
510 conveyance between the points. A reimbursement award under this
511 [subdivision] subsection for each day of service shall not be less than
512 twenty dollars nor more than fifty dollars. For the purposes of this

513 [subdivision, a] subsection, "full-time employed juror" means an
514 employee holding a position normally requiring thirty hours or more
515 of service in each week, which position is neither temporary nor
516 casual, and includes an employee holding a position through a
517 temporary help service, as defined in section 31-129, which position
518 normally requires thirty hours or more of service in each week, who
519 has been working in that position for a period exceeding ninety days,
520 and [a] "part-time employed juror" means an employee holding a
521 position normally requiring less than thirty hours of service in each
522 week or an employee working on a temporary or casual basis. In the
523 event that a juror may be considered to be both a full-time employed
524 juror and a part-time employed juror for any day of the first five days,
525 or part thereof, of [juror] jury service, such juror shall, for the purposes
526 of this section, be considered to be a full-time employed juror only.

527 Sec. 14. Section 52-80 of the general statutes is repealed and the
528 following is substituted in lieu thereof (*Effective October 1, 2003*):

529 If the plaintiff, in any action returned to court and entered in the
530 docket, does not, on or before the opening of the court on the second
531 day thereof, appear by himself or attorney to prosecute such action, he
532 shall be nonsuited, in which case the defendant, if he appears, shall
533 recover costs from the plaintiff. [The plaintiff may withdraw any
534 action so returned to and entered in the docket of any court, before the
535 commencement of a hearing on the merits thereof. After the
536 commencement of a hearing on an issue of fact in any such action, the
537 plaintiff may withdraw such action, or any other party thereto may
538 withdraw any cross complaint or counterclaim filed therein by him,
539 only by leave of court for cause shown.]

540 Sec. 15. Subsection (a) of section 52-190a of the general statutes is
541 repealed and the following is substituted in lieu thereof (*Effective*
542 *October 1, 2003*):

543 (a) No civil action shall be filed to recover damages resulting from
544 personal injury or wrongful death occurring on or after October 1,
545 1987, whether in tort or in contract, in which it is alleged that such

546 injury or death resulted from the negligence of a health care provider,
547 unless the attorney or party filing the action has made a reasonable
548 inquiry as permitted by the circumstances to determine that there are
549 grounds for a good faith belief that there has been negligence in the
550 care or treatment of the claimant. The complaint or initial pleading
551 shall contain a certificate [, on a form prescribed by the rules of the
552 superior court,] of the attorney or party filing the action that such
553 reasonable inquiry gave rise to a good faith belief that grounds exist
554 for an action against each named defendant. For the purposes of this
555 section, such good faith may be shown to exist if the claimant or his
556 attorney has received a written opinion, which shall not be subject to
557 discovery by any party except for questioning the validity of the
558 certificate, of a similar health care provider, as defined in section 52-
559 184c, which similar health care provider shall be selected pursuant to
560 the provisions of said section, that there appears to be evidence of
561 medical negligence. In addition to such written opinion, the court may
562 consider other factors with regard to the existence of good faith. If the
563 court determines, after the completion of discovery, that such
564 certificate was not made in good faith and that no justiciable issue was
565 presented against a health care provider that fully cooperated in
566 providing informal discovery, the court upon motion or upon its own
567 initiative [,] shall impose upon the person who signed such certificate
568 [,] or a represented party, or both, an appropriate sanction [,] which
569 may include an order to pay to the other party or parties the amount of
570 the reasonable expenses incurred because of the filing of the pleading,
571 motion or other paper, including a reasonable attorney's fee. The court
572 may also submit the matter to the appropriate authority for
573 disciplinary review of the attorney if the claimant's attorney submitted
574 the certificate.

575 Sec. 16. Section 54-86e of the general statutes is repealed and the
576 following is substituted in lieu thereof (*Effective October 1, 2003*):

577 The name and address of the victim of a sexual assault under
578 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or
579 risk of injury, or impairing of morals under section 53-21, or of an

580 attempt thereof, and such other identifying information pertaining to
 581 such victim as determined by the court, shall be confidential and shall
 582 be disclosed only upon order of the Superior Court, except that (1)
 583 such information shall be available to the accused in the same manner
 584 and time as such information is available to persons accused of other
 585 criminal offenses, and (2) if a protective order is issued in a
 586 prosecution under any of said sections, the name and address of the
 587 victim, in addition to the information contained in and concerning the
 588 issuance of such order, shall be entered in the registry of protective
 589 orders pursuant to section 51-5c.

590 Sec. 17. (*Effective October 1, 2003*) Sections 52-82, 54-123b and 54-123c
 591 of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.; Labor Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various minor and technical changes that have no fiscal impact on the Judicial Department.

The bill subjects employers to existing criminal and civil penalties for nonpayment of wages for fulltime employed jurors and allows jurors to file complaints with the Department of Labor to recover damages. Due to the nature of this provision, it is anticipated that a minimal number of complaints will be received by the department and will not require additional resources. It is anticipated that the civil action and penalty provision will not result in increased activity.

OLR Bill Analysis

sSB 900

AN ACT CONCERNING COURT OPERATIONS AND TECHNICAL REVISIONS TO CERTAIN STATUTES PERTAINING TO THE JUDICIAL BRANCH**SUMMARY:**

This bill makes a number of changes to statutes applicable to the Judicial Department. It:

1. eliminates statutory authorizations, procedures, and standards for civil case withdrawals;
2. imposes civil and criminal penalties on employers who violate the law requiring wage payments for certain employees summoned for jury duty;
3. increases information about sexual assault victims that courts can order remain confidential;
4. increases juvenile court discretion to decide who can attend court hearings;
5. establishes a uniform definition of “juvenile court records” and makes it applicable to existing confidentiality laws;
6. for family violence cases, updates (a) protective order language and (b) the list of crimes designated as domestic violence-related;
7. imposes state court notification obligations on mortgagors who file bankruptcy petitions while a strict foreclosure action is ongoing;
8. modifies the court record retention period for capital felony cases;
9. directs court clerks to notify the Department of Environmental Protection commissioner of minor boating safety convictions, rather than send him a certified copy of the conviction;
10. requires copies of original documents to be placed in court files

when the originals are removed, eliminating the prohibition against removing any documents from these files;

11. permits the chief court administrator to establish policies and procedures for parking areas on any property he supervises and controls, including the option to tow violators' vehicles; and
12. specifies that for statutory purposes, "judicial branch" means the Judicial Department.

It also eliminates obsolete statutory references and makes technical changes.

EFFECTIVE DATE: October 1, 2003

CIVIL CASE WITHDRAWALS

Under current law, plaintiffs can withdraw their lawsuits without restriction if they do so before the court has begun a hearing on the merits of their action. After such time, they must show cause for withdrawing the action and get the court's permission. The bill eliminates these provisions.

WAGE PAYMENTS FOR JURORS

By law, employers must pay full-time employees their regular wages for the first five days, or part of that period, of jury service. The bill requires them to make these payments in the same manner and time as they would have paid the juror if he had been at work.

It subjects employers who fail to do so to existing criminal and civil penalties for nonpayment of wages. These are (1) fines between \$2,000 and \$5,000, imprisonment for up to five years, or both (per offense) and (2) double the amount of unpaid wages, plus court costs and attorneys fees, respectively.

CONFIDENTIALITY OF SEXUAL ASSAULT VICTIM'S IDENTITY

The bill expands the authority of courts to make information about a sexual assault victim's identity confidential. Current law makes her name and address confidential. The bill allows courts to order that other identifying information also be kept confidential.

ATTENDANCE AT JUVENILE COURT HEARINGS

The bill allows, rather than requires, juvenile court judges to exclude people from hearings who they find are not necessary. It retains the current requirement that crime victims and their parents or guardians and court-appointed victim advocates cannot be excluded unless the judge specifically orders otherwise.

JUVENILE COURT RECORDS

The bill defines “records of cases of juvenile matters” and makes this definition uniformly applicable to the existing juvenile court record confidentiality statute. Under the bill, these are records kept by (1) courts, (2) the Judicial Department’s Court Support Services Division, (3) organizations and agencies serving juveniles under department contracts, (4) law enforcement agencies including fingerprints, photographs and physical descriptions, and reports by probation officers and other agencies.

PROTECTIVE AND RESTRAINING ORDERS IN FAMILY VIOLENCE CASES

The bill updates language that is required to be included in protective orders issued in family violence cases, conforming it to the increased penalty for violations (from a class A misdemeanor to a class D felony) enacted in PA 02-127.

It also adds criminal violation of a restraining order, a crime created in PA 02-127, to the list of crimes designated in court records as domestic violence-related for criminal history record purposes.

STRICT FORECLOSURES AND BANKRUPTCY PETITIONS

By law, strict foreclosure judgments are automatically reopened when a mortgagor files a bankruptcy petition before title to the property has passed absolutely to someone else. The bill requires the mortgagor to file with the clerk of the court in which the foreclosure matter is pending a copy of the bankruptcy petition or an affidavit setting forth its filing date. He must also file an affidavit with the clerk indicating the date the bankruptcy court’s automatic stay ended.

RECORD RETENTION IN CAPITAL CASES

The bill permits courts to destroy the official records of evidence and judicial proceedings in capital felony cases 75 years after the person's conviction. Currently, they must wait until the convicted person has been dead for 25 years.

By law, capital felonies are punishable by execution or life imprisonment.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 1